



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

230

CRM-M-22525-2025

Date of Decision: July 16, 2025

Amrik Singh @ Amriki @ Bata

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Kamal Narula, Advocate, for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner	FIR No.	Date	Section(s)	Police Station
Amrik Singh @ Amriki @ Bata	136	06.09.2024	21 of the NDPS Act, 1985	Special Task Force, SAS Nagar, STF Wing (Fazilka)

2. Learned counsel for the petitioner contends that the petitioner is inside jail since 06.09.2024, and FIR has been registered on the basis of secret information only, without effecting actual recovery of the alleged contraband i.e. 260 grams of Heroin. In the subsequently prepared recovery memo, the contraband has been shown to be recovered from the right pocket of the pant worn by co-accused of the petitioner, namely, Raghav @ Raghu. Further submits that even as per the version of the prosecution, no contraband has been recovered from the conscious possession of the petitioner. Therefore, it is heavily upon the prosecution to prove the charges beyond doubt and also to prove conscious possession of the contraband with the petitioner.



Further submits that after investigation of the case, final report has already been submitted alongwith list of 14 prosecution witnesses, however, till date none has been examined.

3. Learned State counsel has filed status report, dated 14.07.2025, in the form of affidavit of Deputy Superintendent of Police, Anti-Narcotics Task Force, Ferozepur Range, Ferozepur, today in the Court, which is taken on record. Registry to tag the same at appropriate place.

4. While opposing the submissions made on behalf of the petitioner, learned State counsel submits that the petitioner is involved in a serious offence which is menace for the society. Since the petitioner was in the company of his co-accused Raghav @ Raghu, from whom recovery of 260 grams of Heroin has been effected, presumption has to be drawn against the petitioner also of having conscious possession of the contraband.

However, learned State counsel is unable to dispute other factual aspects narrated by learned counsel for the petitioner.

5. After hearing learned counsel for the parties and perusing the relevant material on record with their able assistance, this Court finds substance in the submissions made by learned counsel for the petitioner. Since the alleged recovery has been effected only from the co-accused Raghav @ Raghu, definitely the issue of conscious possession of the petitioner would be subject matter of the trial. Till date none of the witness has been examined, despite the petitioner being inside jail for the last about more than 10 months. Therefore, prayer for bail seems to be genuine.

6. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed here-above, I deem it appropriate to grant the concession of bail to the petitioner.

7. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.



8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. Any of the discussion done and recorded here-above, shall not be construed as an expression of opinion on the facts of the case. Therefore, Trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

10. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

11. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

July 16, 2025
Pkapoor

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**